

ACT 48

H.B. NO. 2442

A Bill for an Act Relating to Abandoned Vehicles.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that abandoned vehicles on public roads are a widespread environmental disaster that can adversely impact human health and safety.

The purpose of this Act is to require the counties to remove and dispose of abandoned vehicles on public roads within ten business days of abandonment.

SECTION 2. Section 290-1, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The counties ~~[may]~~ shall cause vehicles that have been abandoned to be taken into custody ~~[and disposed of.]~~ within ten business days of abandonment. For the purposes of this subsection, a vehicle is “abandoned” if it is defined to be abandoned by an ordinance of the county in which the vehicle is located. In the absence of such an ordinance, a vehicle is “abandoned” if it is left unattended for a continuous period of more than twenty-four hours and it is unlawfully parked on any public highway or other public property or private lands defined as a setback, shoulder, easement, or right of way that is adjacent to or part of a public highway. The mayors of the several counties may designate an agency within their counties to carry out the functions and requirements of this section. ~~[The term]~~ For the purposes of this subsection, “agency” means any office, department, or other governmental unit of the county.”

SECTION 3. Section 290-2, Hawaii Revised Statutes, is amended to read as follows:

“§290-2 Notice to owner. (a) Upon taking custody of any abandoned vehicle, a written notice shall immediately be sent by registered or certified mail to the legal and registered owner of the vehicle at the address on record at the

vehicle licensing division. The notice shall contain a brief description of the vehicle, the location of custody, and intended disposition of the vehicle if not repossessed within ten days after the mailing of the notice, or in the case where the address of the registered owner on record at the vehicle licensing division is an out-of-state address, within twenty business days after the mailing of the notice. A notice need not be sent to a legal or registered owner or any person with an unrecorded interest in the vehicle whose name or address cannot be determined. Absent evidence to the contrary, a notice shall be deemed received by the legal or registered owner five days after the mailing.

(b) The county agency designated by the mayor to carry out the functions and requirements of section 290-1 and this section shall adopt rules pursuant to chapter 91 regarding notification of vehicle owners.

~~[(b)]~~ (c) For purposes of this section, “business days” shall exclude Saturdays, Sundays, and state holidays.”

SECTION 4. Section 290-3, Hawaii Revised Statutes, is amended to read as follows:

“§290-3 Public auction. If the vehicle is not repossessed within the time limits provided in section 290-2, the vehicle ~~[shall]~~ may be disposed of by public auction, through oral tenders, or by sealed bids, after public advertisement has been made once in a newspaper of general circulation; provided that the public auction shall not be held less than five days after the publication has been made. Where no bid is received, the vehicle may be either sold by negotiation, disposed of or sold as junk, or donated to any governmental agency.”

SECTION 5. Section 290-8, Hawaii Revised Statutes, is amended to read as follows:

“§290-8 Derelict vehicle. A vehicle shall be deemed a derelict vehicle by the administrative head of the county agency designated to carry out section 290-1, or by the executive director or a representative of the executive director of the Hawaii public housing authority in the case of a vehicle that has been abandoned on property owned, managed, or administered by the authority, if ~~[major parts have]~~ a part has been removed or material damage to the vehicle has rendered the vehicle inoperable and one of the following conditions exists:

- (1) The vehicle is registered for the current registration period and the registered and legal owners no longer reside at the addresses on record with the county director of finance;
- (2) The vehicle has been registered for the current or previous registration period and the registered and legal owners disclaim ownership[;], or a notice of transfer has been submitted by the registered and legal owners and recorded with the director of finance and the new owner has not transferred the title or registration into the new owner's name within thirty days of release;
- (3) The vehicle identification number and license plates have been removed so as to nullify efforts to locate or identify the current registered and legal owners;
- (4) The vehicle has not been registered for the ~~[current or]~~ previous ~~[registration periods;]~~ twelve month period; or
- (5) The vehicle registration records of the county director of finance contain no record that the vehicle has ever been registered in the county.

Prior to authorizing the removal of a derelict vehicle, the administrative head of the county agency designated to carry out section 290-1 or the executive director or a representative of the executive director of the Hawaii public housing authority in the case of vehicles that have been abandoned on property owned, managed, or operated by the authority, shall notify the county chief of police only if the vehicle is reported stolen or otherwise needed for police investigation.”

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.

(Approved June 20, 2018.)